

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CIVIL ACTION NO. 2:09-cv-102-TJW

JURY TRIAL DEMANDED

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

Plaintiff, Actus, LLC (“Actus”) and Defendant, Disney Gift Card Services, Inc., (“Disney”), pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby respectfully move the Court for an order dismissing all claims in this action WITH PREJUDICE and dismissing any counterclaims as MOOT, subject to the terms of that certain agreement entitled SETTLEMENT AGREEMENT and dated February 5, 2010, with each party to bear its own costs, expenses and attorneys fees.

Dated: February 12, 2010

Respectfully Submitted,

DISNEY GIFT CARD SERVICES, INC.

ACTUS, LLC

By: /s/ Robert Christopher Bunt

Robert Christopher Bunt

State Bar No. 00787165

Parker, Bunt & Ainsworth, PC

100 East Ferguson, Suite 1114

Tyler, Texas 75702

Telephone: 903-531-3535

Facsimile: 903-533-9687

Email: rcbunt@pbatyler.com

By: /s/ William E. Davis, III

William E. Davis III

Texas State Bar No. 24047416

The Davis Firm, PC

111 West Tyler Street

Longview, Texas 75601

Telephone: 903-230-9090

Facsimile: 903-230-9661

Email: bdavis@bdavisfirm.com

**ATTORNEY FOR DEFENDANT
DISNEY GIFT CARD SERVICES, INC.**

**ATTORNEY FOR PLAINTIFF
ACTUS, LLC**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this the 12th day of February, 2010.

/s/ William E. Davis, III
William E. Davis, III